

## JOURNAL OF THE HOUSE

## Sixty-fifth Legislative Assembly

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Bismarck, February 6, 2017

The House convened at 1:00 p.m., with Speaker Bellew presiding.

The prayer was offered by Chaplain Curt Dikoff, Crisis Care Chaplaincy, Bismarck.

The roll was called and all members were present except Representatives B. Anderson, Devlin, and Kreidt.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. SPEAKER:** Your Committee on Correction and Revision of the Journal (**Rep. Klemm, Chairman**) has carefully examined the Journal of the Eighteenth and Twenty-second Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 287, lines 14, 16, 18, and 20, delete "Engrossed"

Page 368, replace lines 1 through 10 with:

"YEAS: Koppelman, K.; Magrum; Monson; Paur; Simons

NAYS: Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemm; Koppelman, B.; Laning; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew"

**REP. KLEMM MOVED** that the report be adopted, which motion prevailed.

## POINT OF PERSONAL PRIVILEGE

**REP. K. KOPPELMAN** rose on a point of personal privilege.

## REMARKS OF REPRESENTATIVE K. KOPPELMAN

**MR. SPEAKER:** Over the weekend, 34 teams from around the nation, descended upon Orlando, Florida, for the National Dance Team Championship.

Three of those teams were from North Dakota. All three North Dakota teams advanced to the semifinals and all three were among just 10 teams which advanced to the Finals.

When final decisions were announced, last evening, West Fargo High School took second place, West Fargo Sheyenne took seventh, and Fargo Davies was in tenth place!

This Assembly can be especially proud, as one of the dancers on one of those teams is the daughter of the senior representative from District 16. Her name is Madison Koppelman.

From throughout the nation, North Dakota dancers shined, as three of the top ten teams in the entire country.

Dance Teams, North Dakota looks forward to welcoming you home. Travel safely!

Girls, you did us proud! Congratulations!

**REQUEST**

**REP. VIGESAA REQUESTED** that the remarks of Rep. K. Koppelman be printed in the Journal, which request was granted.

**SIXTH ORDER OF BUSINESS**

**SPEAKER BELLEW DEEMED** approval of the amendments to HB 1160, HB 1161, HB 1187, HB 1203, HB 1323, HB 1345, HB 1353, HB 1354, and HB 1368.

HB 1160, HB 1161, HB 1187, HB 1203, HB 1323, HB 1345, HB 1353, HB 1354, and HB 1368, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**SECOND READING OF HOUSE BILL**

**HB 1193:** A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to prohibiting economic harm; to amend and reenact subsection 1 of section 12.1-31-01 of the North Dakota Century Code, relating to disorderly conduct; to provide a penalty; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 72 YEAS, 19 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Beadle; Becker, Rich S.; Blum; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Ertelt; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnston; Jones; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Anderson, P.; Becker, Rick C.; Boe; Boschee; Delmore; Dobervich; Guggisberg; Hanson; Hogan; Holman; Johnson, M.; Kading; Mitskog; Mock; Nelson, J.; Nelson, M.; Schneider; Simons; Vetter

**ABSENT AND NOT VOTING:** Anderson, B.; Devlin; Kreidt

Engrossed HB 1193 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1304:** A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to prohibiting the wearing of masks, hoods, and face coverings during the commission of a criminal offense; to provide a penalty; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 69 YEAS, 22 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Ertelt; Grueneich; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnston; Jones; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Anderson, P.; Beadle; Becker, Rick C.; Boschee; Delmore; Dobervich; Guggisberg; Hanson; Hatlestad; Hogan; Holman; Johnson, M.; Kading; Keiser; Meier; Mitskog; Nelson, M.; Ruby, D.; Ruby, M.; Schneider; Simons; Vetter

**ABSENT AND NOT VOTING:** Anderson, B.; Devlin; Kreidt

Engrossed HB 1304 passed and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1293:** A BILL for an Act to amend and reenact section 12.1-22-03 of the North Dakota Century Code, relating to trespassing on posted property; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Ertelt; Grueneich; Hanson; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Boschee; Dobervich; Guggisberg; Hogan; Holman; Nelson, M.

**ABSENT AND NOT VOTING:** Anderson, B.; Devlin; Kreidt

Engrossed HB 1293 passed.

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### SECOND READING OF HOUSE BILL

**HB 1383:** A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to loitering; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 79 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Becker, Rich S.; Brandenburg; Dockter; Headland; Kempenich; Nathe; Porter; Rohr; Schatz; Schmidt; Speaker Bellew

**NAYS:** Anderson, D.; Anderson, P.; Beadle; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Carlson; Damschen; Delmore; Delzer; Dobervich; Ertelt; Grueneich; Hanson; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke

**ABSENT AND NOT VOTING:** Anderson, B.; Devlin; Guggisberg; Kreidt

HB 1383 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1426:** A BILL for an Act to amend and reenact subsection 4 of section 12.1-25-01, subsection 1 of section 12.1-25-02, subsection 1 of section 12.1-25-03, and section 12.1-25-04 of the North Dakota Century Code, relating to riot offenses; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 63 YEAS, 27 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Beadle; Becker, Rich S.; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, D.; Jones; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Martinson; McWilliams; Meier; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Pyle; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Seibel; Skroch; Streyle; Sukut; Toman; Trottier; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Anderson, P.; Becker, Rick C.; Blum; Boe; Boschee; Delmore; Dobervich; Ertelt; Hanson; Hogan; Holman; Johnson, C.; Johnson, M.; Johnston; Kading; Keiser; Koppelman, B.; Marschall; Mitskog; Mock; Nelson, M.; Olson; Roers Jones; Schneider; Simons; Steiner; Vetter

**ABSENT AND NOT VOTING:** Anderson, B.; Devlin; Guggisberg; Kreidt

HB 1426 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1300:** A BILL for an Act to amend and reenact subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to agencies exempt from the definition of administrative agency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dobervich; Dockter; Ertelt; Grueneich; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Anderson, P.; Hanson

**ABSENT AND NOT VOTING:** Anderson, B.; Devlin; Guggisberg; Kreidt

HB 1300 passed.

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**MOTION**

**REP. VIGESAA MOVED** HB 1193, HB 1304, HB 1293, and HB 1426 be messaged to the

Senate immediately., which motion prevailed.

#### MOTION

**REP. VIGESAA MOVED** that HB 1384 be moved to the bottom of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1309:** A BILL for an Act to create and enact two new sections to chapter 15-10 of the North Dakota Century Code, relating to the appointment of institution presidents and the commissioner of higher education.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 90 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**NAYS:** Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dobervich; Dockter; Ertelt; Grueneich; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trotter; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Anderson, B.; Devlin; Guggisberg; Kreidt

HB 1309 failed.

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#### MOTION

**REP. VIGESAA MOVED** that HB 1254 be moved to the top of the calendar, which motion prevailed.

#### MOTION

**REP. VIGESAA MOVED** that HB 1337 be moved to the bottom of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1254:** A BILL for an Act to amend and reenact sections 15.1-29-05, 15.1-29-06, and 15.1-29-07 of the North Dakota Century Code, relating to a school district tuition waiver contract.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dobervich; Dockter; Ertelt; Grueneich; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trotter; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Anderson, B.; Devlin; Guggisberg; Kreidt

HB 1254 passed.

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### SECOND READING OF HOUSE BILL

**HB 1357:** A BILL for an Act to provide for a legislative management study regarding the effects of placing limits on school district levies on the equitable application of the education funding formula.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dobervich; Dockter; Ertelt; Grueneich; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Sukut; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Delzer; Koppelman, B.; Koppelman, K.; Nathe; Ruby, M.; Seibel; Simons; Streyle; Toman

**ABSENT AND NOT VOTING:** Anderson, B.; Devlin; Guggisberg; Kreidt

HB 1357 passed.

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### SECOND READING OF HOUSE BILL

**HB 1423:** A BILL for an Act to provide for a legislative management study of the elementary and secondary education funding formula.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 77 YEAS, 13 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dobervich; Dockter; Ertelt; Grueneich; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Sukut; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke

**NAYS:** Becker, Rick C.; Delzer; Kasper; Koppelman, B.; Koppelman, K.; McWilliams; Nathe; Rohr; Schatz; Simons; Streyle; Toman; Speaker Bellew

**ABSENT AND NOT VOTING:** Anderson, B.; Devlin; Guggisberg; Kreidt

HB 1423 passed.

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### SECOND READING OF HOUSE BILL

**HB 1263:** A BILL for an Act to amend and reenact section 34-06-22 of the North Dakota

Century Code, relating to the state's minimum wage.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 77 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Boschee; Delmore; Dobervich; Hanson; Hogan; Holman; Johnson, M.; Maragos; Mitskog; Mock; Nelson, M.; Schneider

**NAYS:** Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Ertelt; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Anderson, B.; Devlin; Guggisberg; Kreidt

HB 1263 failed.

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#### SECOND READING OF HOUSE BILL

**HB 1246:** A BILL for an Act to create and enact a new section to chapter 54-44.3 of the North Dakota Century Code, relating to state employee claims of employment discrimination.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 65 YEAS, 25 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Carlson; Delmore; Delzer; Dobervich; Dockter; Grueneich; Hanson; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, K.; Longmuir; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Sukut; Toman; Trottier; Vigasaa; Weisz; Westlind; Zubke

**NAYS:** Becker, Rick C.; Brabandt; Brandenburg; Damschen; Ertelt; Headland; Johnson, C.; Johnston; Koppelman, B.; Laning; Lefor; Louser; Magrum; Marschall; McWilliams; Olson; Pollert; Rohr; Schatz; Simons; Skroch; Steiner; Streyle; Vetter; Speaker Bellew

**ABSENT AND NOT VOTING:** Anderson, B.; Devlin; Guggisberg; Kreidt

HB 1246 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1329:** A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to freedom of speech at state institutions of higher education.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 65 YEAS, 25 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Brabandt; Brandenburg; Delzer; Dockter; Ertelt; Grueneich; Headland; Howe; Johnson, C.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Oliver; Olson; Paur; Pollert; Porter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Seibel; Simons; Skroch; Steiner; Streyle; Toman; Trottier; Vetter; Vigasaa; Weisz; Speaker Bellew

**NAYS:** Anderson, P.; Beadle; Boschee; Carlson; Damschen; Delmore; Dobervich; Hanson; Hatlestad; Heinert; Hogan; Holman; Johnson, D.; Kiefert; Longmuir; Nathe; Nelson, J.; Nelson, M.; O'Brien; Owens; Pyle; Schreiber-Beck; Sukut; Westlind; Zubke

**ABSENT AND NOT VOTING:** Anderson, B.; Devlin; Guggisberg; Kreidt

Engrossed HB 1329 passed.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1293.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1193, HB 1304, HB 1426.

#### **MOTION**

**REP. VIGESAA MOVED** that the absent members be excused, which motion prevailed.

#### **MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, February 7, 2017, which motion prevailed.

#### **REPORT OF STANDING COMMITTEE**

**HB 1199: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1199 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact subsection 5 to section 61-33-01 of the North Dakota Century Code, relating to the definition of subsurface minerals; and to"

Page 1, line 9, replace "The" with "For the purpose of determining subsurface mineral rights, the"

Page 1, after line 13, insert:

**"SECTION 2.** Subsection 5 to section 61-33-01 of the North Dakota Century Code is created and enacted as follows:

5. "Subsurface mineral" means oil, gas, or any naturally occurring element or compound recovered under chapter 38-12, excluding an element or a compound that would disturb the surface soil or water during the recovery process."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1202: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1202 was placed on the



Sixth order on the calendar.

Page 1, replace lines 7 through 10 with:

- "1. Unless authorized by the director, an individual may not operate an automated driving system equipped vehicle on a highway in this state.
2. The director shall adopt rules to regulate the integration and testing of automated driving system equipped vehicles on the public highway system. The rules may not regulate more than the licensing, registration, inspection, and insurance of automated driving system equipped vehicles in this state. The rules may not govern the design, performance, hardware, or software requirement of an automated driving system equipped vehicle. The rules must provide:
  - a. An automated driving system equipped vehicle may be tested on public highways in this state; and
  - b. Subject to applicable federal and state laws and regulations, an automated driving system equipped vehicle may be operated on public highways in this state.
3. For purposes of this section, "automated driving system" means the hardware and software collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the driving task is limited to a specific operational design domain. This term specifically describes a level three, four, or five driving automation system as defined by the United States department of transportation guidelines."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1219: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1219 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "subsection" with "subsections"

Page 1, line 2, after "1" insert ", 7, and 8"

Page 1, line 8, after the period insert "The department shall maintain a website an interested person may use to supply a vehicle identification number in order to confirm the status of a manufactured home as real estate under subsection 6 of section 47-10-27 and to confirm the department retired the manufacturer's certificate of origin or certificate of title."

Page 2, after line 5, insert:

**"SECTION 4. AMENDMENT.** Subsection 7 of section 47-10-27 of the North Dakota Century Code is amended and reenacted as follows:

7. Upon the satisfaction of the requirements of subsection 6, the manufactured home is deemed to be real property; any mortgage, deed of trust, lien, or security interest ~~which that~~ can attach to land, buildings erected ~~thereon on the land~~, or fixtures affixed ~~theretoto the land~~ attach as of the date of its recording in the same manner as if the manufactured home were built from ordinary building materials onsite. Title to the manufactured home must be transferred by deed or other form of conveyance that is effective to transfer an interest in real property, together with the land to which the structure has been affixed. The manufactured home is deemed to be real property and is governed by the laws applicable to real property and the department of transportation.

has no further authority or jurisdiction over the conveyance or encumbrance of the manufactured home.

**SECTION 5. AMENDMENT.** Subsection 8 of section 47-10-27 of the North Dakota Century Code is amended and reenacted as follows:

8. Except as provided in subsections 2, 3, 5, 6, and 7, an affidavit of affixation is not necessary or effective to convey or encumber a manufactured home or to change the character of the manufactured home to real property. ~~A conveyance of land upon which is located a manufactured home for which an affidavit of affixation has been recorded does not effect a conveyance or encumbrance of any interest in the manufactured home. A conveyance or encumbrance may only be made under the provisions of chapter 39-05.~~ An agreement by a party to the transaction ~~whereby~~ by which the requirements of this subsection are waived is void as contrary to public policy."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1240: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1240 was placed on the Sixth order on the calendar.

Page 1, line 2, after "hemp" insert "; to provide a continuing appropriation; and to declare an emergency"

Page 2, line 25, replace "two" with "one"

Page 2, line 25, replace "forty" with "twenty-five"

Page 2, line 26, overstrike "Collections from this fee must be"

Page 2, overstrike lines 27 and 28 and insert immediately thereafter:

- "5. Fees collected under this chapter must be deposited in the commissioner's operating fund and are appropriated to the department on a continuing basis for the purpose of enforcing this chapter.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1255: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1255 was placed on the Sixth order on the calendar.

Page 1, line 1, after "24" insert "and a new subsection to section 39-12-05.3"

Page 1, line 2, after "network" insert "and the permitting of increased vehicle weights"

Page 2, line 12, remove "and"

Page 2, line 13, after "association" insert: "; and

g. The North Dakota league of cities"

Page 2, line 24, replace "[47,854 kilograms]" with "[47854 kilograms]"

Page 2, line 27, remove "[47,854"

Page 2, line 28, replace "kilograms]" with "[47854 kilograms]"

Page 2, after line 28, insert:

**"SECTION 2.** A new subsection to section 39-12-05.3 of the North Dakota Century Code is created and enacted as follows:

The director may issue a permit for a truck with a gross weight that exceeds one hundred five thousand five hundred pounds [47854.00 kilograms], not to exceed one hundred twenty nine thousand pounds [58513.41 kilograms]. The monthly permit fee is one hundred dollars per month or seven hundred dollars annually. Vehicle weight under this subsection is determined according to the formula under subsection 2 of section 39-12-05."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1256: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1256 was placed on the Sixth order on the calendar.

Page 5, line 6, replace the first underscored comma with "or"

Page 5, line 6, remove ", or general"

Page 6, line 12, after "2." insert "Unless authorized by rules adopted by the board, a dental therapist may not perform the services provided in subsection 1 under the general supervision of a supervising dentist.

3."

Page 6, line 14, replace "3." with "4."

Page 9, line 16, after the underscored period insert "Except as otherwise authorized by rule, a supervising dentist may enter a written collaborative management agreement with no more than five dental therapists at any one time."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1280: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1280 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1320: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1320 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "39-12-02" insert "and 39-12-03"

Page 1, line 2, after "vehicles" insert "and local authority to limit use of vehicles on highways"

Page 2, line 3, after the underscored period insert "During frost law restrictions, the department shall utilize the most direct route requested or notify the city, county, or township the request to use state highways is denied."

Page 2, line 9, remove ", unless any person"

Page 2, line 10, remove "requests and agrees to pay additional fees"

Page 2, line 11, after the underscored period insert "If a permit is denied, a person may receive an additional fee or condition from the city, county, or township in exchange for authorization to move an oversized or overweight vehicle on a road under the jurisdiction of the city, county, or township."

Page 3, after line 30, insert:

**"SECTION 2. AMENDMENT.** Section 39-12-03 of the North Dakota Century Code is amended and reenacted as follows:

**39-12-03. Director or local authorities may limit use of vehicles on highways - Exception for inclement weather.**

1. Whenever ~~any~~ highway will be seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic conditions unless the use of vehicles is prohibited or the weight of the vehicle thereon is limited, the director or employees authorized by the director by an order, and local authorities by ordinance or resolution, may prohibit the operation of vehicles upon such highway or may impose weight restrictions ~~as to the weight of~~ vehicles. The director or employees making ~~such~~ the order and local authorities enacting ~~any such~~ the ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the order, ordinance, or resolution. ~~Such~~ The signs must be erected and maintained at each end of ~~that~~ the portion of any highway affected thereby, and ~~such~~ the order, ordinance, or resolution is not effective until ~~such~~ the signs are erected and maintained. The operation of trucks or other commercial vehicles or limitations as to the weight ~~thereof~~ of vehicles on designated highways may be prohibited or limited in the same manner.
2. In instances of inclement weather, as determined by the local authorities, changes may be made to existing posted restrictions on a portion of a highway if the local authority:
  - a. Gives public notice of the change in the posted restrictions on any portion of a highway by publishing the inclement weather restriction on the local authority's website and a uniform county permit system or similar permit system within one hour after the initial determination of inclement weather; and
  - b. Within five days of the first date of inclement weather, erects and maintains a sign at each end of the portion of the highway affected by the inclement weather restriction."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1328: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1328 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "The director upon canceling or revoking an operator's license shall require that the"

Page 1, overstrike line 11

Page 1, line 12, overstrike "2."

Page 1, line 17, overstrike "3." and insert immediately thereafter "2."

Page 3, line 7, replace "in the county in which" with "to be held at a location within one hundred fifty miles [241.40 kilometers] of"

Page 3, line 7, replace "occurred" with an underscored comma

Page 3, line 8, replace "county" with "location"

Page 3, line 25, remove the overstrike over "and"

Page 3, line 26, after "place" insert "location"

Page 3, line 26, replace "in the county in which" with "within one hundred fifty miles [241.40 kilometers] of"

Page 3, line 26, replace "occurred" with an underscored comma

Page 3, line 27, replace "county" with "location"

Page 4, line 24, overstrike "place" and insert immediately thereafter "location"

Page 4, line 24, after the second "director" insert ". within one hundred fifty miles [241.40 kilometers] of the incident, unless the individual consents to a different location or consents to have the hearing by telephone"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1380: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1380 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "Approve" with "Develop and adopt"

Page 1, line 10, replace "Provide firefighter" with "Coordinate fire service"

Page 1, line 11, replace "Certify firefighters who complete required" with "Establish procedures to govern the certification process for firefighter"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1416: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1416 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1419: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1419 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation for a firearm safety program."

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. APPROPRIATION - GAME AND FISH FIREARM SAFETY PROGRAM.** There is appropriated out of any moneys in the game and fish fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of establishing and administering a firearm safety program, for the biennium beginning July 1, 2017, and ending June 30, 2019. The director of the game and fish department shall establish a firearm safety program, which must be made available to elementary and secondary schools in the state. The funds appropriated under this section may be used to purchase firearm safety materials and provide grants to administer firearm safety courses in elementary and secondary schools."

Renumber accordingly

The House stood adjourned pursuant to Representative Vigesaa's motion.

**Buell J. Reich, Chief Clerk**